IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 10179 of 2007(J)

OS.235/2005 OF MUNSIFF COURT,VARKALA .

PETITIONERS:

1. **JALAJAKUMARY AMMA, D/O PANKAJASHY AMMA, AGED 47 YEARS, KIZHAKKEVEETTIL, HARIHARA DESOM, AYIROOR VILLAGE, FROM OTTAPLAVILA VEEDU, IDAYADI, POOTHAKULAM DESOM AND VILLAGE, KOLLAM.**

2. **DEEPU, S/O JALAJAKUMARY AMMA, AGED 12 YEARS, DO. DO.**

3. **UNNIKRISHNAN, AGED 10 YEARS, S/O JALAJAKUMARY AMMA, DO. DO. (THE MINOR PETITIONERS 2 AND 3 ARE REPRESENTED BY THEIR MOTHER THE 1ST PETITIONER, SMT.JALAJAKUMARY AMMA).**

BY ADV. SRI.P.JACOB VARGHESE,
SRI.V.MANOJ KUMAR,
SRI.VARUGHESE M EASO,
SRI.VIVEK VARGHESE P.J.

RESPONDENT:

NIRMAL RAJ, S/O VARADARAJAN PILLAI, AGED 26 YEARS, KIZHAKKE VEEDU, HARIHARA DESOM, AYIROOR VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10179/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT O.S. 235/05 OF MUNSIFF'S COURT, VARKALA.

EXT.P.2: COPY OF THE WRITTEN STATEMENT IN O.S. 235/05 OF MUNSIFF'S COURT, VARKALA.

EXT.P.3: COPY OF THE ADDITIONAL WITNESS LIST FILED BY THE DEFENDANTS IN O.S. 25/05 OF MUNSIFF'S COURT, VARKALA.

EXT.P.4: COPY OF THE PROCEEDINGS OF THE A DIARY AS WRITTEN DOWN BY THE PETITIONERS.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No.10179 OF 2007

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Dated this the 7th day of June, 2007

JUDGMENT

This writ petition is filed seeking to give a direction to the Munsiff's Court, Varkala to allow the writ petitioners to examine additional witnesses 2 and 3. It is submitted that the court did not give sufficient opportunity to examine those witnesses though the defendant had taken steps to summon them. Since the court had allowed the summoning of the witnesses on an earlier occasion finding that it was necessary to examine them for the proper trial of the case is only just and correct to hold that permission should be granted to examine additional witnesses 2 and 3 mentioned in the additional witness list dated 26.2.2007. Writ petition is therefore allowed.

M.N.KRISHNAN, JUDGE

Cdp/-